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Legal Representatives for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

BEVERLY ALLISON  
208 Armontier Road  
Forestville, CA 95436

Physical Therapist Assistant License  
No. AT3089

Respondent.

Case No.

**ACCUSATION  
AND PETITION TO  
REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about May 21, 1993, the Physical Therapy Board of California issued Physical Therapist Assistant License Number AT3089 to Beverly Allison (Respondent). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2004, unless renewed.

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1 licensee found guilty of unprofessional conduct to pay to the board a sum not to  
2 exceed the actual and reasonable costs of the investigation and prosecution of the  
3 case.

4 (b) The costs to be assessed shall be fixed by the administrative law judge  
5 and shall not in any event be increased by the board. When the board does not  
6 adopt a proposed decision and remands the case to an administrative law judge,  
7 the administrative law judge shall not increase the amount of the assessed costs  
8 specified in the proposed decision.

9 FIRST CAUSE FOR DISCIPLINE AND REVOCATION OF PROBATION

10 (Conviction)

11 10. Respondent is subject to disciplinary action under section 2660(d)  
12 [conviction of a crime] and is in violation of Probation Conditions E [abstain from alcohol] and  
13 I [obey all laws] of her probationary order in that she was convicted of a violation of Vehicle  
14 Code section 23152(b), driving with blood alcohol above .08%. The circumstances are as  
15 follows:

16 11. On or about June 5, 2003, in the Superior Court of Sonoma County, State  
17 of California, misdemeanor criminal complaint no. TCR-421415 titled *People of the State of*  
18 *California vs. Beverly Ann Allison* was filed. Count I of the complaint alleged that respondent  
19 violated Vehicle Code section 23152(a), driving under the influence of alcohol. It was further  
20 alleged that respondent had a blood alcohol content of .20% and higher within the meaning of  
21 Vehicle Code section 23578. Count II alleged that respondent violated Vehicle Code section  
22 23152(b), driving while having a blood alcohol above .08%. It was further alleged that  
23 respondent had a blood alcohol content of .20% and higher within the meaning of Vehicle Code  
24 section 23578. The complaint then alleged respondent's prior conviction for violating Vehicle  
25 Code section 23152(a) on June 25, 1998 in Superior Court, Santa Rosa County, docket no.  
26 313957.

27 12. On or about September 3, 2003, respondent filed an absentia plea of no  
28 contest to Vehicle Code section 23152(b) and admitted the one prior conviction. Judge Dennis

1 Beaman dismissed count I, struck the enhancement and accepted her plea. Judge Beaman  
2 granted a conditional sentence of sixty months and ordered respondent to attend a Multiple  
3 Offenders Drunk Drivers Program (MODDP), enroll with within twenty one days and complete  
4 as directed, and submit to random chemical tests. For eighteen months, Respondent's license is  
5 restricted to driving to and from employment, during course of employment, to seminars, and an  
6 interlock device was ordered to be installed on her car. She was ordered to pay fines of  
7 \$1,816.00 in monthly payments beginning November 15, 2003. She was sentenced to serve 30  
8 days in jail, stayed to October 31, 2003, and referred to work furlough and supervised electronic  
9 confinement.

10 13. Therefore, respondent's license is subject to discipline under section  
11 2660(d) [conviction] and her probation is subject to revocation due to her conviction of a  
12 violation of Vehicle Code section 23152(b) [driving with a blood alcohol level above .08%].

13 SECOND CAUSE FOR REVOCATION OF PROBATION

14 14. Probation Condition G of the Order in Case no. 1D 98 62096 states:  
15 “. . . respondent shall enroll and participate in the Board's diversion program  
16 until the Board determines that participation in the diversion program is no longer  
17 necessary. . . . Failure to comply with requirements of the Diversion Program,  
18 terminating the program without permission or being expelled for cause shall  
19 constitute a violation of probation.”

20 15. On or about June 9, 2003, respondent wrote to the Physical Therapy Board  
21 stating that she no longer would participate in the diversion program. Respondent has not  
22 attended diversion since June, 2003. She did not receive permission from the diversion program  
23 to terminate. On or about September 23, 2003, Maximum Diversion Program wrote a letter to  
24 respondent, informing her that she was terminated due to non-compliance.

25 16. Respondent's act of terminating participation in the diversion program  
26 without permission is a violation of probation condition G, and cause to revoke her probation.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist Assistant License Number AT3089, issued to Beverly Allison;
2. Revoking the probation of Beverly Allison and carrying out the order that was stayed;
3. Ordering Beverly Allison to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;
3. Taking such other and further action as deemed necessary and proper.

DATED: October 31, 2003 .

Original Signed By:  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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CES 10/03 date prepared